

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In Re:

Case No. 09-58346
Chapter 13
Hon: Phillip J. Shefferly

CHRISTOPHER MICHAEL CHAMBE
&
TAMMY LOUISE CHAMBE

Debtors.

CHRISTOPHER MICHAEL CHAMBE
&
TAMMY LOUISE CHAMBE

Adversary No. 09-05870

Plaintiffs,

v.

CPCC DELAWARE STATUTORY TRUST,

Defendant.

**APPLICATION FOR ENTRY OF DEFAULT JUDGMENT
AGAINST DEFENDANT, CPCC DELAWARE STATUTORY TRUST**

The Plaintiffs, by and through their attorneys, OSIPOV BIGELMAN, P.C., request that this Court enter a Default Judgment against the Defendant, CPCC Delaware Statutory Trust, pursuant to F.R.C.P. 55(b)(2) as incorporated through B.R. 7055.

1. On August 26, 2009, the Plaintiffs filed a complaint against the Defendant to avoid a security interest in real property.

2. On August 27, 2009, the Complaint and Summons were served on the Defendant, in compliance with Bankruptcy Rules 7004 and 7005.

3. The Defendant did not file an answer or otherwise respond to the complaint as directed by said summons and as required pursuant to applicable bankruptcy rules.

4. Pursuant to B.R. 7012(a), the Defendant was to file a response by September 27, 2009.

5. The Defendant is in default pursuant to F.R.C.P. 15, as incorporated through B.R. 7015, and F.R.C.P. 55(a), as incorporated through B.R. 7055.

6. On September 29, 2009, the Clerk of the Court entered a Default.

7. An Affidavit in Support of Application for Entry of Default and an Affidavit Pursuant to the Servicemember's Civil Relief Act (50 U.S.C. App '521) is attached hereto as **Exhibit B**.

8. Plaintiffs are entitled to a judgment, as requested in their complaint.

BRIEF IN SUPPORT

9. Plaintiffs rely upon L.B.R. 7055-1 and Fed. R. Bankr. P. 7055.

WHEREFORE, Plaintiffs respectfully request that this Court enter a Default Judgment against the Defendant. A proposed Order is attached hereto as **Exhibit A**.

Respectfully submitted,

OSIPOV BIGELMAN, P.C.

Date: October 8, 2009

/s/ Christopher F. Nelson
YULIY OSIPOV (P59486)
CHRISTOPHER F. NELSON (P70034)
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UNITED STATES BANKRUPTCY COURT
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SOUTHERN DIVISION – AT DETROIT

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Defendant.

DEFAULT JUDGMENT AGAINST
DEFENDANT, CPCC DELAWARE STATUTORY TRUST

THIS MATTER having come before the Court upon Plaintiffs' Application for Entry of Default Judgment against Defendant based upon its failure to timely answer Plaintiffs' Complaint, the Court being duly advised in the premises:

IT IS HEREBY ORDERED that a Default Judgment is entered in favor of the Plaintiffs and against the Defendant, CPCC Delaware Statutory Trust.

IT IS FURTHER ORDERED that upon completion of the debtors' Chapter 13 plan and the entry of a Chapter 13 discharge order in bankruptcy case number 09-58346, the mortgage ("Mortgage") dated February 28, 2002, covering the following described property ("Property") situated in the City of Warren, County of Macomb, State of Michigan, and further described as follows:

Lot 128, "S. Mocerri Estates Subdivision No. 3", As Recorded in Liber 61, Page(s) 21 of Plats, Macomb County Records. Tax ID # 13-13-128-002.

Commonly Known As: 28840 Steele Drive, Warren, MI 48088

Recorded in the Macomb County Register of Deeds on March 16, 2002, Liber 11505, Page 753, will be stripped from the Property and discharged.

IT IS FURTHER ORDERED that upon completion of the debtors' Chapter 13 plan and the entry of a Chapter 13 discharge order in bankruptcy case number 09-58346, the debtors may record a certified copy of this order, with a copy of the debtors' Chapter 13 discharge order attached, with the Macomb County Register of Deeds, which will constitute and effectuate the discharge of the Mortgage.

IT IS FURTHER ORDERED that if the debtors fail to complete the debtors' Chapter 13 plan and obtain a Chapter 13 discharge order in bankruptcy case number 09-58346, this order does not affect the validity or enforceability of the Mortgage and may not be used in any subsequent bankruptcy case of the debtors either to compel the holder of the Mortgage to execute a discharge of the Mortgage, or to otherwise act as a discharge of the Mortgage.

IT IS FURTHER ORDERED that the Court shall retain jurisdiction to enforce the terms of this Order.

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - AT DETROIT

In Re:

Case No. 09-58346
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CPCC DELAWARE STATUTORY TRUST,

Defendant.

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR
ENTRY OF DEFAULT JUDGMENT and AFFIDAVIT
PURSUANT TO TO 50 U.S.C. APP '521**

Christopher F. Nelson, first being duly sworn, states as follows:

1. This Affidavit is made in support of the default judgment requested against the Defendant.
2. I am fully competent to testify to all facts stated herein.
3. I am an attorney with the law firm of OSIPOV BIGELMAN, P.C., counsel for the Plaintiff in the above-captioned Adversary Proceeding.
4. On August 26, 2009, a Summons was issued by this court against the Defendant.
5. On August 27, 2009, the Summons was served on the Defendant.
6. Pursuant to B.R. 7012(a), the Defendant was required to answer the Complaint within thirty days of the date that the Summons was issued.

7. The Defendant has failed to file and serve an answer to the Complaint or request an extension of time to respond.

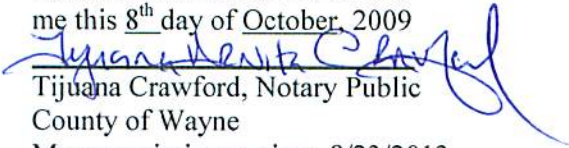
8. To the best of Plaintiff's knowledge, the Defendant, CPCC Delaware Statutory Trust, N.A., is not an infant, incompetent person, or in the military service of the United States of America.

I declare under penalty and perjury that the foregoing is true and correct.



Christopher F. Nelson

Subscribed and sworn to before
me this 8th day of October, 2009



Tijuana Crawford, Notary Public
County of Wayne

My commission expires: 8/23/2013
Acting in Oakland County

TIJUANA ARINITA CRAWFORD
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Aug 23, 2013
ACTING IN COUNTY OF Oakland

EXHIBIT B